

APR 13 2017

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

ROBERT D. RIGGS

Plaintiff,

vs.

STATE OF MONTANA (DOC), A.W.  
TOM WOOD, A.W. MYRON  
BEESON, LT. LAKEL, DAVE  
PINTLND, SARG. WEBER, and P.  
MORTIN (MSP DHO), et al.,

Defendants.

CV-17-9-GF-BMM-JTJ

**ORDER ADOPTING MAGISTRATE  
JUDGE'S FINDINGS AND  
RECOMMENDATIONS**

United States Magistrate Judge John Johnston issued Findings and Recommendations in this matter. (Doc. 2.) Judge Johnston recommended that the Court remand this matter to the Third Judicial District Court, Deer Lodge, Powell County, Montana, due to improper removal. *Id.* at 2. Only a defendant may remove a case filed in state court to federal court under 28 U.S.C. § 1441. Here, plaintiff improperly removed his own case. *Id.*

No party filed an objection to Judge Johnston's Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court reviews Judge Johnston's Findings and

Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error.

### **ORDER**

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 2) is **ADOPTED IN FULL**.

The Clerk of Court is directed to send a certified copy of these Findings and Recommendations to the Clerk of Court for the Third Judicial District Court, Deer Lodge, Powell County, Montana. The Clerk of Court is further directed to send a copy of this Order to Jeffrey Doud, Agency Legal Services Bureau, Montana Department of Justice, 1712 Ninth Avenue, PO Box 201440, Helena, MT 59620-1440.

DATED this 13th day of April, 2017.

A handwritten signature in black ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Brian Morris  
United States District Court Judge